

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 06-07-25B

AMENDING BUILDING PERMIT ORDINANCE NO. ORD 06-04-18D

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, AMENDING ORDINANCE NO. 06-04-18D, BUILDING PERMIT ORDINANCE, ADOPTED APRIL 18, 2006, SECTION III.(b)(8), EXEMPTIONS, TO CLARIFY THAT A BUILDING PERMIT IS NOT REQUIRED FOR AN ORDINARY REPAIR INVOLVING THE REMOVAL OR ALTERATION OF A NON-LOAD BEARING WALL THAT IS MERELY DECORATIVE IN NATURE OR ONLY SERVES TO DIVIDE THE SPACE IN A STRUCTURE; AMENDING SECTION IV.(a)(3) TO PROVIDE THAT CITY COUNCIL WILL PROCESS PERMIT APPLICATIONS RELATING TO NEW CONSTRUCTION IN CERTAIN ZONES AND OTHERS WILL BE PROCESSED BY THE CITY COUNCIL'S DESIGNEE, AMENDING SECTIONS II.(b), IV.(a)(2), IV.(a)(3), AND EXHIBIT "1" TO REMOVE REFERENCES TO CERTAIN ZONES; AND PROVIDING FOR REPEALER, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.

WHEREAS, Chapter 214, Texas Local Government Code, authorizes municipalities to adopt certain building and rehabilitation codes and standards for construction on land within the municipality's boundaries and authorizes the issuance of related permits; and

WHEREAS, Chapter 51, Texas Local Government Code, authorizes municipalities to adopt, publish, amend or repeal ordinances and police regulations that are for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, Chapter 51, Texas Local Government Code, authorizes a Type A general-law municipality, such as the City of Horseshoe Bay, to adopt ordinances and regulations that are necessary for the government, interest, welfare or good order of the municipality as a body politic; and

WHEREAS, it is in the best interest of the citizens of the City of Horseshoe Bay and the owners of real property located within its boundaries, that any new construction be of high quality, and be conducted in a manner as to not cause damage, inconvenience or nuisance to the residents and property owners in its vicinity; and

WHEREAS, the Comprehensive Development Plan for the City of Horseshoe Bay has established criteria and goals for development within its boundaries and in its extraterritorial jurisdiction, and it is necessary that construction activity be regulated to insure that it is consistent with such criteria and goals;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. ENACTMENT

- (a) Ordinance No. 06-04-18D, Building Permit Ordinance, Section II(b), Specific Definitions, *Club Facility*, is hereby amended to read as follows:

Club Facility means improvements provided as amenities to property in a Subdivision or a part of the amenities provided by Horseshoe Bay Resort on the Resort's amenity land provided to Resort members or guests.

- (b) Ordinance No. 06-04-18D, Building Permit Ordinance, Section III(b)(8), Exemptions, is hereby amended so as to read as follows:

(8) Ordinary repairs to structures that do not include: the cutting away of any wall, partition, or portion thereof, where such wall or partition supports any load in addition to its own weight and serves a purpose other than being purely decorative or creating space in a structure; the removal or cutting of any structural beam or load-bearing support; or, the removal or change of any required means of egress. Ordinary repairs shall not include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage line, gas, soil, waste vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- (c) Ordinance No. 06-04-18D, Building Permit Ordinance, Section IV(a)(2), Permit Application Requirements, is hereby amended to read as follows:

(2) For City Zones 1-11, three (3) sets of plans that have been submitted to and approved by the architectural control committee or person so designated in the respective Zone indicating the plans comply with the restrictive covenants for the subdivision where the Site is located. For City Zones 13, 14, 15 or 17, three (3) sets of plans must be submitted to the City Council or its designee to determine that such plans are in compliance with relevant agreements and for prior approval before a permit shall be issued.

- (d) Ordinance No. 06-04-18D, Building Permit Ordinance, Section IV(a)(3), Permit Application Requirements, is hereby amended to read as follows:

(3) For any residential, retail or commercial Project containing 10,000 square feet or more of impervious cover, evidence that plans have been first approved by the Lower Colorado River Authority pursuant to its Lower Colorado River Authority Highland Lakes Watershed Ordinance. For any retail, commercial or Club Facility project, and any residential project with over 10,000 square feet of covered area, if the Site is located in Zones 1-11, such approved plans must also be submitted to the appropriate architectural control committee and then to the City Council for final plan approval. Plans for all other projects in Zones 1-11 may be submitted to the City Council's designee. If the Site is located in Zones 13, 14, 15 or 17 and involves new construction City Council approval is required before a permit will be issued; otherwise, applications for remodeling, alterations, repairs or additions to existing structures shall be processed by the City Council's designee.

- (e) Ordinance No. 06-04-18D, Building Permit Ordinance, Exhibit "1", Non-Subdivision Property, is hereby amended to read as follows:

NON-SUBDIVISION PROPERTY

Zone 13	Caprock
Zone 14	Horseshoe Bay Boulevard Corridor
Zone 15	Airport
Zone 17	Centex

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

If any term, provision or section of this Ordinance or the application of any provision to any Applicant or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

V. PROPER NOTICE AND MEETING

It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by Chapter 551 of the Texas Government Code.

VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ADOPTED and APPROVED on this 25th day of July, 2006, by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Robert W. Lambert, Mayor

ATTEST

Toni Vanderburg, City Secretary